IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3552 OF 2005

Omkar Vachapurty Co-op. Hsg.
Society (proposed) & Ors. ...Petitioners

Vs.

Manish Dharnidhar Shah & Ors. ...Respondents

Mr.A.K.Abhyankar Adv. with Mr. N.V.Mhatre Adv. for Petitioners
Mr. Y.S.Jahagirdar, Sr. Adv. i/b. M/s. S.Pathak & Co. for Respondent No.1
Mrs. M.P. Thakur, A.G.P. for Respondents 2 to 4

CORAM: F.I.REBELLO & ROSHAN DALVI, JJ.
DATED: 13TH DECEMBER, 2005

P.C.

. Rule. Heard forthwith.

2. It is not necessary to consider various contentions as raised in the Petition or the findings recorded by the Appellate Authority. The fact remains that the Respondent no.1 is the owner of the property and he had no opportunity of contesting the proceedings before Respondent No.2. In the light of that the impugned order dated 24th November 2004 in Appeal No.17 of 2004 is set aside, so far as CTS 436 is quashed and set aside. The matter is remanded to Respondent No.2 to re-hear the parties and thereafter pass appropriate orders according to law. The

Petitioners and Respondent No.1 to appear before Respondent No.2 on 27th December 2005 for further directions.

. Rule made absolute accordingly. No order as to costs.

(F.I.REBELLO J.)

(ROSHAN DALVI, J.)